

August 20, 2002

PUBLIC UTILITIES COMMISSION
Interim Electric Energy Conservation Programs

ORDER ESTABLISHING
INTERIM CONSERVATION
PROGRAM – BOC PROGRAM
EXPANSION

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

By this Order, we approve expansion of the Building Operator Certification (BOC) program that we authorized as an interim electric energy conservation program on June 13, 2002. Through this expansion, we approve funding a BOC session in Aroostook County. We approve fully funding the tuition of \$1,400 per person, for no more than 30 persons. We will fund personnel who operate and maintain publicly funded school buildings in Aroostook County.¹ The cost of this course will be about \$42,000. In all respects, the Northern Maine course shall be implemented in the same way as the previously approved BOC courses were implemented.

II. BACKGROUND

P.L. 2001, ch. 624 (the Conservation Act),² enacted during the second session of the 120th Legislature, establishes terms that govern an electric energy conservation program in Maine. Section 4 of ch. 624 directs the Maine Public Utilities Commission (Commission) to develop and implement electric energy conservation programs that are consistent with the goals and objectives of an overall energy conservation program strategy that the Commission must establish. Various other statutory directives require the Commission to promulgate rules and hold public hearings.

Recognizing that the process of implementing electric energy conservation programs will necessarily take many months, the Legislature authorized the Commission to implement interim programs. Section 7 of ch. 624 states:

Interim programs. In order to avoid a significant delay in the implementation of conservation programs pursuant to the Maine Revised

¹ We intend that, for the Aroostook County program, publicly funded school buildings shall include those associated with institutions such as the University of Maine, as well as K-12 public schools.

² The Conservation Act may be found on the Commission's web page: www.state.me.us/mpuc (and access the Electric Conservation Activities site).

Statutes, Title 35-A, Section 3211-A, the Public Utilities Commission may use funds from the conservation program fund established pursuant to Title 35-A, section 3211-A, subsection 5 to implement on a short-term basis conservation programs that the commission finds to be cost effective. The commission is not required to satisfy the requirements of Title 35-A, section 3211-A before implementing such programs. Any programs implemented under this section must terminate no later than December 31, 2003. Funds in the conservation program fund not used for short-term programs under this section must be used in accordance with Title 35-A, section 3211-A.

On June 13, 2002, we issued our Order Establishing Interim Conservation Programs, which ordered immediate implementation of specific interim programs that were described in the Order. The Building Operator Certification program was one of those programs. In the Order, we authorized full funding of tuition for as many as 60 students to attend an 8-course BOC session at one of two BOC sessions. We authorized the New England Energy Efficiency Partnership (NEEP) to deliver the BOC training in the manner that it has offered the training in other New England states. One session began in Portland on July 25 and a second session will begin in Bangor on September 4. These locations and dates had been arranged by a variety of entities before we began planning the interim conservation programs.

III. DISCUSSION

Response to the BOC courses has been enthusiastic. Both courses are fully enrolled, and it appears that some school building operators may be refused admission in the course. By approving an additional BOC session, we will allow school personnel who desire to attend a chance to do so and we will accommodate school personnel in Northern Maine, who must travel a significant distance to attend the Bangor or Portland courses.

Dated at Augusta, Maine, this 20th day of August, 2002.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Nugent
 Diamond

COMMISSIONER ABSENT: Welch

THIS ORDER HAS BEEN DESIGNATED FOR PUBLICATION

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.